

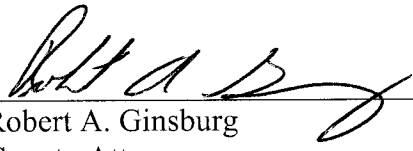
MEMORANDUM

Agenda Item No. 6(E)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** October 19, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance amending Section 2-8.5 relating to local preference

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** October 19, 2004

FROM: George M. Burgess, County Manager  **SUBJECT:** Ordinance amending Section 2-8.5 to expand the definition of local business in the application of local preference

This ordinance amending section 2-8.5 of the Code of Miami-Dade County to expand the definition of local business in the application of local preference in County contracting will have a minimal fiscal impact to the County. Staff time will be required to develop measures and track compliance with the revised definition.

fiscal/04004



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 19, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(E)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 6 (E)

Veto _____

10-19-04

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO EXPAND THE DEFINITION OF LOCAL BUSINESS IN THE APPLICATION OF LOCAL PREFERENCE IN COUNTY CONTRACTING; REMOVING TIMEFRAME REQUIREMENT FOR SUBMISSION OF THE BEST AND FINAL BID; PROVIDING SANCTIONS FOR MISREPRESENTATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-8.5 of the Code of Miami-Dade County, Florida, is hereby amended
as follows:¹

Sec. 2-8.5

(1) *Definitions.*

(a) *General services* means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise that includes, but is not limited, to pest control, janitorial, laundry, catering, security, lawn maintenance and maintenance of equipment.

(b) *Goods* includes, but is not limited to, supplies, equipment, materials and printed matter.

(c) *Local business* means the vendor has a valid occupational license issued by Miami-Dade County at least one year prior to bid or proposal submission to do business within Miami-Dade County that authorizes the business to provide the goods, services or construction to be purchased, and a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business. Post Office

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or »double arrowed« constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. >>In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to the retention and expansion of employment opportunities and the support and increase to the County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section. A vendor who misrepresents the Local Preference status of its firm in a proposal or bid submitted to the County will lose the privilege to claim local preference status for a period of up to one year. The County Manager, in his discretion, may also recommend that the firm be referred for debarment in accordance with Section 2-8.4.1 of the Code of Miami-Dade County.<<

(d) *Professional services* includes any services where the County is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area.

(2) *Preference in purchase of personal property, general services, professional services, the purchase of or contract for construction or renovation of public works or improvements, and in the purchase of personal property, general services or professional services by means of competitive, bid, request for proposals, qualifications or other submittals and competitive negotiation and selection.* Except where federal or state law mandates to the contrary, preference shall be given to local businesses in the following manner:

- (a) *Competitive bid.* When a responsive, responsible non-local business submits the lowest price bid, and the bid submitted by one or more responsive, responsible local businesses is within ten percent of the price submitted by the non-local business, then that non-local business and each of the aforementioned local businesses shall have the opportunity to submit ~~[[, within five working days of bid opening]]~~ a best and final bid equal to or lower than the amount of the low bid previously submitted by the non-local business. Contract award shall be made to the responsive, responsible business submitting the lowest best and final bid. In the case of a tie in the best and final bid between a local business and a non-local business, contract award shall be made to the local business.

(6) *Reciprocity.* In the event Broward, Palm Beach or Monroe County extends preferences to local businesses ~~[[as defined herein,]]~~ Miami-Dade County may enter into an interlocal agreement with such County wherein the preferences of this section may be extended and made available to vendors that have a valid occupational license issued by Broward, Palm Beach or Monroe County to do business in that County that authorizes the ~~[[business]]~~ >>vendor<< to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of that County. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said

physical address. >>In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Broward, Palm Beach or Monroe County, whichever is applicable, in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to that County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section.<< In no event shall the amount of the preference accorded Broward, Palm Beach or Monroe County firms exceed the amount of preference that such County extends to Miami-Dade County firms competing for its contracts.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective within ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

HB/ST

Susan Torres

Sponsored by Commissioner Sally A. Heyman and
Commissioner Rebeca Sosa